IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.41 OF 2007.

Mr. Juber Jamir Gazi ..Petitioner
V/s
The State of Maharashtra & Anr. Respondents.

Mr. Prakash Naik, Advocate for the petitioner.

Mrs. M.M. Deshmukh, APP for the respondents.

CORAM : J.H. BHATIA, J.

DATE : 17TH JANUARY, 2007.

P.C.

. Heard Mr. Prakash Naik, learned Counsel for the petitioner and Mrs. Deshmukh, APP for the respondents. The petitioner has preferred the appeal on 9/1/2007 before the Government of Maharashtra against the externment order dated 6/1/2007 passed by the respondent No.2. Along with the appeal, he also made a request for interim stay to the externment order. Grievance of the petitioner is that even though 8 days have passed after presentation of the appeal no order has been passed by the appellate authority on the request for interim stay and therefore, he has filed this petition. It is clear that the appellate authority has not yet considered the application of the petitioner. The petitioner has filed

this present petition on 12/1/2007. From this, it is clear even before the appellate authority could consider the application for interim stay, the petitioner has rushed to this Court within two days. This practice cannot be commended. The reasonable time is to be given to the appellate authority to pass the appropriate order on the application for stay. If the appellate authority refuses to pass the order or rejects the application, naturally the petitioner may take recourse to the writ petition. Mrs. Deshmukh, learned A.P.P. makes a statement that the appellate authority will pass appropriate order on request for interim stay, within eight days, from this date. In my opinion, this is reasonable. Hence,following order.

2. The appellate authority shall pass the appropriate order on the request of interim stay, within eight days, from this order.

3. With this direction the petition stands dismissed.

(J.H. BHATIA, J.)